

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

LEHMAN BROTHERS HOLDINGS INC., et al.

Chapter 11
Case No. 08-13555 (SCC)

Debtors.
-----X

**MOTION OF FONDO DE PROTECCION SOCIAL DE LOS DEPOSITOS BANCARIOS
FOR SUBSTITUTION OF AGENT FOR RECEIPT OF DISTRIBUTIONS**

Fondo de Proteccion Social de los Depositos Bancarios f/k/a Fondo de Proteccion Social de los Depositos Bancarios y Proteccion Bancaria (“FOGADE”) hereby moves (the “Motion”), by its undersigned counsel, to substitute Ricardo Hecker Puterman, Esq. (“Puterman”) for Escritorio Juridico Financiero Soto & Asociados (“EJFS”) as FOGADE’s agent for receipt of all distributions and/or payments made to and/or on behalf of FOGADE in the above-captioned proceedings. In support of the relief requested in the Motion, FOGADE states as follows:

1. On September 15, 2008, Lehman Brothers Holding Inc. and 22 of its affiliates (collectively, the “Debtors”) filed voluntary petitions for bankruptcy relief under Chapter 11 of 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”).
2. This Court has subject matter jurisdiction to consider this Motion pursuant to 28 U.S.C. § 1334.
3. This is a core proceeding pursuant to 28 U.S.C. §§157(b).
4. FOGADE is a Venezuelan governmental agency akin to the FDIC and is responsible for the liquidation of failed financial institutions (and their affiliated entities) and for using the proceeds of such liquidation to pay depositors and satisfy approved debts of the failed institutions.

5. On November 27, 2009, FOGADE was appointed as the liquidator of Banco Canarias de Venezuela, C.A. (“Banco Canarias”). *See* Affidavit of Maria Gracia Rando Socorro, ¶¶ 2-4, annexed to Docket No. 51970 as Exhibit 1 (hereinafter, the “Socorro Affidavit”).

6. On May 19, 2014, FOGADE was appointed as liquidator of Banco Canarias affiliate Credican, S.A. (“Credican”). Socorro Affidavit, ¶ 5.

7. As the liquidator of both Banco Canarias and Credican, FOGADE is entitled to all monies payable to the two institutions, including any distributions from the above-captioned proceedings. Socorro Affidavit, ¶ 6.

8. On or about November 2, 2009, Credican and Banco Canarias filed claim numbers 62726, 62722 and 64729 in these bankruptcy Proceedings. Socorro Affidavit, ¶¶ 7-8.

9. On August 26, 2014, FOGADE filed its motion to designate Diaz Reus & Targ, LLP (“DRT”) as Agent for receipt of all distributions in the above-captioned proceedings, which relief was granted by the Court on October 28, 2014.

10. Thereafter, FOGADE terminated DRT and appointed Homer Bonner Jacobs, P.A. (“HBJ”) as, among other things, Agent for receipt of all distributions in the above-captioned proceedings. On February 5, 2016, FOGADE filed its motion to designate HBJ as Agent for receipt of all distributions in the above-captioned proceedings, which relief was granted by the Court on February 25, 2016 [Docket No. 52212].

11. By Stipulation and Order dated January 26, 2018 [Docket No. 57560] EJFS was substituted for HBJ as agent for the receipt and distribution of disbursements on behalf of FOGADE in the above-captioned proceedings.

12. On May 8, 2018 FOGADE retained Puterman under a Special Power of Attorney. In accordance with the same and as directed by FOGADE he has been asked to serve as its agent

for the receipt and distribution of disbursements on behalf of FOGADE in the above-captioned proceedings in place of EJFS. By e-mail correspondence, Puterman notified EJFS of FOGADE's decision to substitute it as FOGADE's agent and requested EJFS's cooperation in this transition. *See* Declaration of Ricardo Hecker Puterman, ¶11, annexed hereto as Exhibit A (hereinafter, the "Puterman Declaration").

13. As a result of the foregoing, EJFS has no authority to act on FOGADE's behalf or receive or retain any distributions and/or payments in connection with FOGADE's claims in these proceedings. Puterman Declaration, ¶12. Puterman is the only agent authorized by FOGADE to receive any and all distributions in these proceedings on FOGADE's behalf. Puterman Declaration, ¶12.

14. No party will be prejudiced by the substitution proposed in this Motion.

WHEREFORE, FOGADE respectfully requests that this Court enter an Order (i) substituting Puterman for EJFS as FOGADE's agent for receipt of all distributions and/or payments made to and/or on behalf of FOGADE in the above-captioned proceedings; (ii) directing the duly-appointed claims agent to cause the claims register to be updated to reflect Puterman as the sole agent of record for FOGADE's claims in these proceedings; (iii) authorizing and directing the Trustees and Plan Administrators to distribute all amounts due in connection with FOGADE's claims to Puterman, as agent for FOGADE; and (iv) granting FOGADE such other and further relief as to this Court seems just and proper.

Dated: New York, New York
December 7, 2018

WHITE & WOLNERMAN, PLLC

By: /s/ Randolph E. White
Randolph E. White, Esq.
950 Third Ave., 11th Floor
New York, NY 10022
Counsel for FOGADE